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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,899	03/14/2002	Jesus Matey	46522 - 1100	3665
7590 08/12/2008 Head, Johnson & Kachigian Moore Manor 228 West 17th Place Tulsa, OK 74119				
			EXAMINER SCHNURR, JOHN R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 08/12/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/099,899

**Applicant(s)**

MATEY, JESUS

**Examiner**

JOHN R. SCHNURR

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the Amendment after Non-Final Rejection filed 12/03/2007. Claims 1-3 and 5-15 are pending and have been examined.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-3 and 5-15 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-3, 5-10, 12 and 14** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ubillos (US Patent 6,791,578)**.

Consider **claims 1 and 14**, Ubillos clearly teaches a television system, said system comprising:

a broadcast data receiver for receiving broadcast data from a remote location via cable, satellite or terrestrial means and processing the data; **(The system may be a WebTV system, which receives broadcast data from a remote location via cable, satellite or terrestrial means, col. 3 lines 64-66.)**

a display screen for displaying processed video data being connected to or forming part of the broadcast data receiver and having a preference display and a preview window with adjustable dimensions; **(Fig. 2: Control panels 220 and 240 are used to manipulate the video segments, col. 5 lines 39-41. Window 230 shows the results of the**

**selected edits, col. 5 lines 17-20, and the dimensions of window 230 may be adjusted, col. 5 lines 35-38.)**

a plurality of different video display formats for adjustment of audio/video data output of a current display and provided with the preference display for selection by a user and wherein upon selection of a particular video display format a preview of the resulting video display format is displayed in the preview window; **(col. 5 lines 17-20)**

the preview window dimensions being adjustable by the user to cover a pre-determined portion or all of the currently displayed video data to allow the user to quickly and easily view the effect of one or more video display formats prior to selecting a particular suitable format for application to a program/video the user wishes to view. **(Window 230 is adjustable, col. 5 lines 35-38.)**

Consider **claim 2**, Ubillos clearly teaches said preview window on said preference display showing the preview is displayed over a part of a video display currently being broadcast on a user selected channel. **(Fig. 2: Window 210 shows the selected source video and window 230 shows the results of the edits, column 5 lines 7-25.)**

Consider **claim 3**, Ubillos clearly teaches video content on said display screen behind said preview window remains unchanged following selection of a particular video display format in said preview window. **(The edits are only displayed in window 230, col. 5 lines 7-25.)**

Consider **claim 5**, Ubillos clearly teaches each video display format alters the size and/or shape of the resulting video display in said preview window. **(col. 5 line 63 to col. 6 line 11)**

Consider **claim 6**, Ubillos clearly teaches preview of a selected display includes the selected format as applied to at least one member of the group consisting of video data currently being broadcast on a user-selected channel, a broadcaster selected channel, a default video clip, a user selected video clip and a blank screen. **(The source for the edited content may be mass storage devices 111, sequential storage devices 127 or broadcasts received by a WebTV system, col. 3 lines 15-66.)**

Consider **claim 7**, Ubillos clearly teaches a plurality of different video display formats are provided in a drop down menu. **(Fig. 1c)**

Consider **claim 8**, Ubillos clearly teaches said drop down menu is provided in a viewing preference screen for selection therefrom by a user. **(col. 4 lines 30-62)**

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Consider **claim 9**, Ubillos clearly teaches different video display formats include at least one member from the group consisting of: a normal (4:3) display, a widescreen (16:9) display, picture handling display, pass through display, center cut-out display and letterbox display. (**col. 5 line 63 to col. 6 line 11**)

Consider **claim 10**, Ubillos clearly teaches format of the video display on said display screen returns to a default video display format each time said television system is switched off and subsequently switched on again. (**Fig. 1c: The settings may be saved as Presets.**)

Consider **claim 12**, Ubillos clearly teaches format of the video display selected by a user is maintained on all video displays until a different video display format is selected. (**For the settings to change the user must enter new settings.**)

5. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ubillos (US Patent 6,791,578)** in view of **Kawai et al. (US Patent 6,989,731)**, herein Kawai.

Consider **claim 11**, Ubillos clearly teaches changing display formats.

However, Ubillos does not explicitly teach returning to a default format after a predetermined period of time.

In an analogous art, Kawai, which discloses a system for receiving video data, clearly teaches returning to a default format after a predetermined period of time. (**col. 4 lines 35-38**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ubillos by returning to a default format after a predetermined period of time, as taught by Kawai, for the benefit of save power (col. 4 lines 32-35).

6. Claim **13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ubillos (US Patent 6,791,578)** in view of **Riach (US Patent 6,897,874)**.

Consider **claim 13**, Ubillos clearly teaches changing display formats.

However, Ubillos does not explicitly teach Red, Green, Blue (RGB) format.

In an analogous art, Riach, which discloses a system for displaying video, clearly teaches changing the format to RGB format.

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Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ubillos by changing the format to RGB format, as taught by Riach, for the benefit of allowing a user flexibility to output the display on an alternate display device (col. 2 line 28).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ubillos (US Patent 6,791,578)** in view of **Klosterman (US Patent 6,453,471)**.

Consider **claim 15**, Ubillos clearly teaches the television system of claims 1 and 14..

However, Ubillos does not explicitly teach the system including a program guide.

In an analogous art, Klosterman, which discloses a system for receiving video data, clearly teaches displaying a video preview in an EPG using a WebTV system. (**col. 2 lines 51-65 and col. 5 lines 25-29**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ubillos by including an EPG, as taught by Klosterman, for the benefit of enabling easier selection of available content.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JRS

***/Christopher Grant/  
Supervisory Patent Examiner, Art Unit 2623***